SINGLE BENCH

P.R. No. 4641/06
Presented by Shri S.R. Agrawal
dated 24/8/06

C.D. 1001 — (2) (4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4603 OF 2006

PETITIONER : Sushil Chandra Upadhaya, son of Shri A.L. Upadhaya, aged about 50 years, working as Sub Engineer (Civil), Water Resources Department, resident of New Irrigation Colony, Tilda, District Raipur.

Rina 24/08/06

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Vs

RESPONDENTS :
1. State of Chhattisgarh, through the Secretary, Department of Water Resources, D.K.S. Bhawan, Mantralaya, Raipur.
2. The Engineer-in-Chief, Water Resources Department, Raipur.
3. The Executive Engineer, Mahanadi Reservoir Project, District Division No.3, Tilda, Raipur (C.G.)

OATH COMMISSIONER Bilaspur (H.C.) ARAM MALIK 24/08/06

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA

XI-HC-78

(31)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.4603/ **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

30-8-2006

Miss Sharmila Singhai, counsel for the petitioner.

Mr. Satish Gupta, Deputy Govt. Advocate for the State/respondents, on advance copy.

Heard both the counsel.

Main grievance of the petitioner raised in this writ petition under Articles 226 & 227 of the Constitution of India is that as per the Government order Annexure P-2, the petitioner is entitled for two advance increments for the reason that he underwent the sterilization operation.

The case of the petitioner is that in the year 1995 when the petitioner underwent the sterilization operation, he was granted two advance increments. However, when in the year 1999, the petitioner's pay scale was revised as per the Revision Pay Rules, 1998, the said two increments have been stopped against which the petitioner made several representations and the last such representation is Annexure P-6 dated 22-4-2006. The Executive Engineer (respondent No.3) has forwarded the case of the petitioner for grant of two advance increments to the Engineer-in-Chief respondent No.2 and respondent No.2 is sitting over the case and he is not deciding the case of the petitioner regarding advance increments.

Learned counsel for the petitioner submits that, in the circumstances, respondent No.2 be directed to decide the representation of the petitioner in accordance with law, to which learned counsel appearing for the State/ respondents has no objection.

P.T.O.

XI-HC-78

(32)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P.4603/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Soma	Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, respondent No.2 is directed to decide the representation (Annexure P-6) of the petitioner regarding two advance increments on account of the sterilization operation, within a period of two months from the date of receipt of a copy of this order. With the direction aforesaid, the petition stands disposed of. Consequently, I.A.No.8577/2006 also stands disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.Bhadoo Judge	

P.T.O.